

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6, 9-13, 17, 18, 20, 21 and 26-33 are pending in this application. Claims 1, 10, 17, 18, 20 and 21 are amended, Claim 8 is cancelled and Claims 32 and 33 are added by the present response all without introducing new matter.

Support for additions to the claims can be found, at least, in originally filed claim 7 and page 27, line 24 to page 28, line 23.

In the outstanding Office Action, Claim 12 is rejected under 35 U.S.C. §112, second paragraph, as indefinite; Claims 1-6, 8-11, 17, 18, 20, 21 and 26-31 were rejected under 35 U.S.C. §103(a) as unpatentable over Foley (U.S. Pat. No. 5,249,120) in view of Burns et al. (U.S. Pat. No. 5,189,606, herein "Burns"); Claim 12 was rejected under 35 U.S.C. §103(a) as unpatentable over Foley and Burns in further view of Shear (U.S. Pat. No. 4,827,508); and Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Foley and Burns in further view of Dworkin (U.S. Pat. No. 4,992,940).

In response to the objection of Claim 12, Claim 12 has been amended to clarify that the "working bodies" recited in Claim 12 refer to the "working bodies who request an estimation" as is recited in Claim 10. Accordingly, in light of the amendment, Applicants respectfully request that the objection to Claim 12 under 35 U.S.C §112, second paragraph, be withdrawn.

Addressing now the rejection of Claims 1-6, 8-11, 17, 18, 20, 21 and 26-31 under 35 U.S.C. §103(a) as unpatentable over Foley and Burns, that rejection is respectfully traversed.

Applicants incorporated the subject matter of cancelled Claim 8 into independent Claims 1, 10, 17, 18, 20 and 21.

Amended Claim 1 recites, in part,

said computer:

receives data for designating a material of a component to be manufactured, and a portion of the plurality of manufacturing steps to be applied to the material;

retrieves a cost associated with the designated material, and costs associated with the designated portion of the plurality of manufacturing steps from the cost information;

retrieves costs associated with predetermined standard manufacturing steps which are used for the remaining portion of the plurality of manufacturing steps from the cost information

Claims 10, 17, 18, 20 and 21 recite similar features.

Foley describes an automated manufacturing cost estimating method and system in which variables stored in a user-modifiable database are manipulated in cost equations to calculate total cost of present dollars over a given period. Further, Foley describes that variables that affect the cost of the final part are stored in several databases.¹

As noted above, amended Claim 1 includes the features previously recited in cancelled Claim 8. With respect to dependent Claim 8, the outstanding Office Action states that col. 17, lines 29-35 of Foley describes estimating the cost of the component by considering predetermined standard manufacturing steps.

Claim 1 has incorporated the features of cancelled Claim 8 and recites retrieving “costs associated with predetermined standard manufacturing steps which are used for the remaining portion of the plurality of manufacturing steps from the cost information.”

Col. 17, lines 29-35 of Foley states “[t]he result of any given run of the program 10 is a listing of the various components of the total part cost summarized in Equation (2) for all of the process paths considered. By varying input data, the user can generate cost breakdowns which simulate a wide variety of situations.”

Foley describes that the result of any run of the cost analysis program is a listing of various components of the total part cost. In other words, this portion of Foley generically

¹ Foley, col. 6, lines 18-20 and 64-66.

states that various components are used in calculating total part cost. However, neither this part nor any other part of Foley describes that for the portion of the plurality of manufacturing steps that are not determined from the designation data, predetermined standard manufacturing steps are also entered into the equation. In other words, the method of Claim 1 inputs standard or “filler” steps that although necessary to complete the part may not be entered by the user. The use of the standard or filler steps enables the system to better estimate the manufacturing cost of the part. Foley does not describe this feature. Thus, in the invention recited in Claim 1 if no step is designated a standard manufacturing step is input into the system. This enables the user to use the component cost estimation system even if the user only desires to input designation data for a single material that only affects a small percentage of the steps necessary to create the part.

Thus, Applicants respectfully submit that Claim 1 patentably distinguishes over the cited Foley reference.

In addition, none of the further cited Burns, Shear and Dworkin references cure the above noted deficiencies in Foley.

Accordingly, Applicants respectfully submit that Claims 1 and similarly Claims 10, 17, 18, 20 and 21 and Claims depending therefrom patentably distinguish over Foley, Burns, Shear and Dworkin considered individually or in combination.

Turning now to independent Claims 26-31, Applicants traverse the rejection of these claims.

Claim 26 recites, in part,

said computer:

...obtains costs of molds to be used in steps included in the pressing process and costs of surface treatments to be applied to a surface of the component, and uses the obtained costs as costs retrieved from the cost information;

Claims 27-31 recite similar features.

The outstanding Action states on pages 17-18 that “Foley does not express disclose obtains costs of molds to be used in steps included in the pressing process and costs of surface treatments to be applied to a surface of the component, and uses the obtained costs as costs retrieved from the cost information.”

However, the outstanding Action states that since Foley discloses tooling as an input for cost estimation it would have been obvious to perform the steps recited in Claim 26. However Applicants strongly disagree with this assertion and state that it would not have been obvious to one skilled in the art to include the costs of *surface treatments to be applied to a surface of the component* based on the generic disclosure that “tooling” costs can be entered.

The Foley reference merely lists “tooling” in a long list of items that can be included in a cost database. Nowhere does Foley teach or even suggest that this tooling includes the idea of *surface treatments to be applied to a surface of the component*. A person skilled in the art would not agree that surface treatments and tooling are the same thing.

Accordingly, Applicants respectfully request that the rejection of Claim 26 and similarly of Claims 27-31 be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-6, 8-13, 17, 18, 20, 21 and 26-33 is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Surinder Sachar
Registration No. 34,423